



Puyallup Tribe of Indians
Revised Water Quality Standards



FACT SHEET No. 5:

Discretionary Policies

The Tribal water quality standards provide a mechanism for managing and regulating the quality and use of the Puyallup Tribe of Indians' waters by establishing the water quality goals for specific water bodies, and providing a legal basis for regulatory controls. The standards are also designed to establish the uses for which the surface waters of the Tribe shall be protected. The Tribal standards were first approved in 1994, and have just undergone their first triennial review.

What Are The Changes?

Certain policies for implementing the Tribe's water quality standards may be adopted at the Tribe's discretion, provided they meet the requirements of the Clean Water Act and federal water quality regulations. These *discretionary policies* typically include such general provisions as allowing for "mixing zones" around wastewater discharges, and for identifying when modifications of criteria may be allowed.

The discretionary policies in the revised Tribal water quality standards contain provisions defining the conditions under which mixing zones are allowable for discharges; and provisions that will allow the Tribe to establish site-specific criteria under specific circumstances.

Mixing Zones

States and Tribes may, at their discretion, allow mixing zones for point source discharges. A "mixing zone" is a small, defined area around a point source discharge where the discharge is diluted and where certain numeric criteria may be exceeded. EPA has extensive guidance on when mixing zones may be allowed.

Under the revised Tribal water quality criteria, no mixing zones will be allowed for new discharges. Mixing zones are now only permissible for existing sources or discharges. For existing discharges, mixing zones for certain types of chemicals, including cancer-causing chemicals and chemicals that persist and accumulate in the environment, will be phased out by the year 2013.

Clearer wording of the revised standards will make mixing zones more usable as a tool to control and regulate discharges.

Site-Specific Criteria

Water quality criteria may be modified to reflect site-specific conditions, subject to review and approval by the EPA Regional Administrator. The existing Tribal standards contained no provision for developing site-specific criteria, other than a provision in the existing antidegradation policy that stated: "Whenever the natural conditions of said waters are of a lower quality than the criteria assigned, the natural conditions shall constitute



the water quality criteria.” The revised standards now contain a policy that will allow the Tribe to establish site-specific criteria under specific circumstances. The decision to approve the site-specific criterion must be based on a demonstration that it will protect the existing and attainable uses of the water body. Site-specific criteria are not in effect until they have been incorporated into the Tribal water quality standards and approved by the USEPA.

Under the revised Tribal standards, site-specific criteria are allowable only when required to prevent adverse effects or to alleviate unnecessarily restrictive general criteria.

What Does This Mean for...

Human Health? Current federal water quality regulations only provide for the development of site-specific aquatic life criteria, and development of site-specific criteria are not expected to have any impact on human health.

Environment Health and Endangered Species? In no case will site-specific criteria allow the conditions of a waterbody to be deteriorated beyond natural background conditions, except as specifically discussed in the antidegradation policy and the related implementation procedures (see Fact Sheet No. 4.)

Existing and New Discharge (NPDES) Permits? In conjunction with other provisions of the revised Tribal standards, the possibility of proposing site-specific criteria offer the Tribe more flexibility in regulating discharges without either lowering water quality or creating unnecessarily restrictive requirements.

The change from class-based to use-based designation system is discussed in more detail in Fact Sheet No. 1; the new uses are discussed in more detail in Fact Sheet No. 2. Updates to numeric and narrative criteria are discussed in Fact Sheet No. 3; and Fact Sheet No. 4 summarizes updates to the antidegradation policy.

If you have any questions regarding the revised Tribal water quality criteria, please contact:

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